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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,468	05/02/2001	Gideon A. Yuval	MS1-755US	6947
22801	7590	11/15/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/848,468	YUVAL, GIDEON A.
Examiner	Art Unit	
Yon Couso	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

1. The applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive.

The applicant argues that the amendments make it clear that the certificate is not included in the digital content file, but it is the certificate that indicates permissible use of the digital content file, that the watermark signal in the digital content file does not identify permissible use of the digital content file. The examiner notes that Downs teaches this. Downs discloses an authentication module configured to access a certificate associated with and separated from the digital content file (column 10, lines 43-50) and determines from the certificate if the processor is authorized to process digital content file in the event that the watermark detector detects the watermark signal (column 11, lines 7-39; column 11, line 64-column 12, line 10, and column 14, lines 40-65).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-11, 13-28, 30-31, 33-35 and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al. (US 6,574,609).

The arguments advanced in paragraph 1 above as to the applicability of the reference are incorporated herein.

As to claim 1, Downs discloses a secure electronic content management system comprising: a processor configured to process a digital content file; memory (column 9, lines 12-26); a watermark detector configured to detect the presence of a watermark signal in the digital content file (column 9, lines 60-67); and an authentication module configured to access a certificate associated with and separated from the digital content file (column 10, lines 43-50) and determines from the certificate if the processor is authorized to process digital content file in the event that the watermark detector detects the watermark signal (column 11, lines 7-39; column 11, line 64-column 12, line 10, and column 14, lines 40-65).

Regarding claim 2, Downs discloses the electronic device wherein the authentication is further configured to access the certificate in a remote location (column 12, lines 12-17).

As to claim 4, Downs discloses the electronic device wherein the certificate associated with the digital content file may be played but not copied; and the authorization module is further configured to limit the processor to playing the digital content file (column 7, line 65 through column 8, line 20).

As to claims 5-7, Downs discloses authentication module configured to prevent the processor from playing the digital content file after the specified date (column 14, lines 40-50) and only one time (column 8, lines 1-10). Additionally, such access restrictions are customary and are designed into any digital content file for secure processing of digital data distribution.

As to claims 8-10, Downs discloses the digital content file being an audio/video file (column 8, lines 50-60).

As to claims 11, 13-16, the steps claimed as method is nothing more than restating the function of the specific components of the apparatus as claimed above (including electronically transmitting the digital content file over the network being disclosed by Downs, column 46, lines 17-43) and therefore, it would have been obvious, considering the aforementioned rejection for the apparatus claims 1-2, 4-10.

As to claims 17-28, 30-31, 33-34, claims 17-28, 30-31, 33-34 substantially very similar limitations as claims 1-2, 4-11 and 13-16 above and are similarly analyzed.

As to claims 35, 37-42, Downs discloses a detailed procedure that describes the claimed limitations of processing digital certificate in a network/internet environment (column 7, line 35 through column 8, line 29). Additionally, most of the limitations recite routine steps performed to authenticate and distribute digital content file over Internet/network.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 12, 29, 32, 36 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al. (US 6,574,609) as applied to claims 1-2, 4-11, 13-28, 30-31, 33-35 and 37-42 above, and further in view of Yoshida et al. (US 6,674,874).

Regarding claims 3, 12, 29, 32, 36 and 43, while Downs discloses digital

Watermarks being embedded in digital content file without specific details regarding 1-bit watermark.

In the same field of endeavor, however, Yoshida discloses a digital watermark embedding system comprising the step of embedding 1-bit watermark (column 1, lines 38-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to embed 1-bit watermark as taught by Yoshida in the system of Downs because it provides a digital watermark technique for integratedly managing a plurality of kinds of contents such as still images, motion images, audio, sound.

As to claims 44-47, Downs discloses audio, video, multimedia content and the location of the certificate (column 7, line 35 through column 8, line 64).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

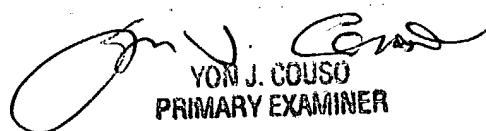
Moskowitz et al is also cited.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC



YON J. COUSO  
PRIMARY EXAMINER

November 12, 2004